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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/324,920	06/03/1999	JIM DEGRAAF	1960.122	2172

1059 7590 01/28/2002

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SCOTIA PLAZA  
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TORONTO, ON M5H 3Y2  
CANADA

EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 01/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

82

N.M.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/324,920	DEGRAAF ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Alain L. Bashore	2164

All participants (applicant, applicant's representative, PTO personnel):

(1) Alain L. Bashore. (3) Susan Bath.  
 (2) Kendrick Lo. (4) Ben De Prisco; Jim Degraf.

Date of Interview: 18 January 2002.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: Claim 1 (newly presented draft proposal). See attached fax.

Identification of prior art discussed: of record (in general).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: the newly claimed recitations to "said defining step is performed prior to executing said simulation" and the recitation of subparagraph (d)ii would require further consideration and/or search.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Bereskin & Parr 

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Scotia Plaza  
40 King Street West  
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Canada M5H 3Y2

Telephone: (416) 364-7311  
Facsimile: (416) 361-1398

**TELEFAX TRANSMITTAL**

**TO:** Examiner Bayshore

**FIRM:** United States Patent and Trademark Office

**FAX NO.:** 703-746-7353

**FROM:** Kendrick Lo

**DATE:** January 15, 2002

**PAGES: 3**  
(Including cover sheet)

File No.: 11483-33  
Lawyer No.: 199

If transmission is interrupted or of poor quality, please notify us immediately by calling S. Harnack at (416) 364-7311, ext. 6274.

**COMMENTS:**

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# Bereskin & Parr



Barristers and Solicitors/Patent and Trademark Agents  
Practice Restricted to Intellectual Property Law

January 15, 2002

Kendrick Lo B.A.Sc. (Eng. Sci.), MBA, J.D.  
416 957 1685 klo@bereskinparr.com

Your Reference: 09/324,920  
Our Reference: 11483-33

**Privileged and Confidential**  
By Fax: (703) 746-7353

Examiner Bayshore  
c/o The Commissioner of Patents  
& Trademarks  
Washington, D.C.  
U.S.A. 20231

Dear Sir:

**Re: United States Patent Application No. 09/324,920**  
**For: RISK MANAGEMENT SYSTEM AND METHOD PROVIDING**  
**RULE-BASED EVOLUTION OF A PORTFOLIO OF INSTRUMENTS**  
**Filed: June 3, 1999**  
**Inventors: Degraaf et al.**

Thank you for granting us a telephone interview in respect of the above application.

Further to our conversation of January 7, 2002, I am forwarding to you in advance of the interview a draft copy of a proposed claim for your reference.

The interview has been scheduled for 10:30 a.m. EST on Friday, January 18, 2002. It is our understanding that you will call our offices at (416) 364-7311. Please ask for the conference room which I (Kendrick Lo) am in. Briefly, we will propose the following agenda for the interview:

- (a) discussion of the prior art references cited in the outstanding office action
- (b) discussion of the invention disclosed in the above application; and
- (c) discussion of the proposed claim.

Thank you for your attention in this matter and we look forward to hearing from you on Friday. Please do not hesitate to contact us if you have any questions before then.

Yours truly,

Kendrick Lo /HSF  
Encl.

Box 401, 40 King Street West, Toronto, Ontario, Canada M5H 3Y2  
416 364 7311 fax: 416 361 1398 www.bereskinparr.com

DO NOT ENTER *AB*

Re: United States Patent Application No. 09/324,920  
For: Risk Management System and Method Providing Rule-Based Evolution of  
a Portfolio of Instruments  
Inventors: Degraaf et al.

Draft Proposed Claim

1. A method of determining the risk associated with a user's portfolio by simulating changes to the composition of a dynamic portfolio under a plurality of scenarios at a plurality of time steps, the user's portfolio comprising a plurality of instruments, said method comprising the steps of
  - (a) generating a dynamic portfolio, said dynamic portfolio comprising a plurality of instruments and having an initial composition that is identical to the composition of the user's portfolio;
  - (b) defining at least one rule for use in a simulation in which changes are to be made to the composition of said dynamic portfolio, wherein said defining step is performed prior to executing said simulation, and wherein said at least one rule is dependent on at least one tracked attribute, on at least one tracking position, and on at least one trade position;
  - (c) selecting one of said plurality of scenarios under which said simulation is to be performed;
  - (d) executing said simulation under the scenario selected in step (c) at said plurality of time steps, wherein the current time step is initially the first time step of said plurality of time steps, and wherein the following substeps are performed on the dynamic portfolio generated at step (a):
    - i. valuing said dynamic portfolio at the current time step of said plurality of time steps, wherein a model for each instrument in said dynamic portfolio is evaluated;
    - ii. changing said dynamic portfolio by evaluating said at least one rule to produce a changed portfolio, wherein said changes are dependent on the value of said at least one tracked attribute at the current time step, and wherein said dynamic portfolio becomes said changed portfolio after said changed portfolio is produced;
    - iii. setting the current time step to the next time step of said plurality of time steps and repeating substeps (i) and (ii);
    - iv. repeating substep (iii) until said dynamic portfolio has been valued at all of said plurality of time steps;
  - (e) repeating steps (c) and (d) for each remaining scenario of said plurality of scenarios; and
  - (f) producing an output risk metric for said dynamic portfolio, wherein said output risk metric is dependent on the composition of said dynamic portfolio after step (d) is performed under at least one of said plurality of scenarios.